

## **REMARKS**

This Response is submitted in reply to the Office Action dated November 21, 2006 and in accordance with the telephonic interview courteously granted on February 15, 2007. Claims 1, 11, 21, 30, 31, 33, 35 through 37 and 40 have been amended for the reasons set forth below. Enclosed is a Supplemental Information Disclosure Statement and a Petition for a One-Month Extension of Time to respond to the Office Action. No new matter has been added to the Claims. Please debit Deposit Account No. 02-1818 for the cost of the Supplemental Information Disclosure Statement, One-Month Extension of Time and any other fees due in connection with this Response.

### **Claim Rejections – 35 U.S.C. § 102**

The Office Action rejected Claims 1-5 and 7-9 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2001/0049298 A1 to Bennett (“Bennett”). Applicants respectfully disagree with such rejection.

Claim 1, as in the September 27, 2006 Response, recites “at least one value indicator associated with each of the symbols, each of the value indicators displaying an initial indication of a starting value, then an indication of at least one intermediate value and then an indication of a final value” It also recites “an award based on a plurality of the final values . . . .” The Office Action stated that “[Bennett] teaches a plurality of symbols . . . at least one value associated with each symbol.” The Office Action also stated that “[i]t is inherent that each stock symbol in [Bennett] would have a plurality of final values associated with each symbol . . . .” It further states “the symbols of [Bennett] each have a plurality of final values, so the final award would be the number of shares of the stock (multiplier) multiplied by the plural final values (decimal places) of the stock’s final price.”

As explained during the interview, Applicants submit that Bennett does not disclose at least one value indicator associated with each of the symbols, each of the value indicators displaying an initial indication of a starting value, then an indication of at least one intermediate value and then an indication of a final value.” Claim 1 recites “an award based on a plurality of the final values.” There is no plurality of final values

associated with each stock symbol in Bennett. Bennett discloses a single final amount rather than a plurality of final amounts. Bennett does not display the sum of a plurality of final values and the total award.

Nonetheless, to advance the prosecution of this application and as discussed with the Examiners during the telephone interview of February 15, 2007, Applicants have amended Claim 1 to clarify the Claim language. Amended Claim 1 recites the following: "a plurality of value indicators, each one of the value indicators associated with one of the symbols. . ." Applicants respectfully submit that amended Claim 1 (and Claims 2-5 and 7-9 which depend therefrom) are patentably distinguished over Bennett.

The Office Action rejected Claim 1 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,589,114 B2 to Rose ("Rose"). Applicants respectfully disagree with such rejection.

Claim 1, as set forth in the September 27, 2006 Response, recites "[e]ach of the value indicators displaying an initial indication of a starting value, then an indication of at least one intermediate value and then an indication of a final value". Such version of Claim 1 also recites "a mathematical modifier" in which "an award based on a plurality of the final values and the mathematical modifier" is disclosed. The Office Action stated that "each of the symbols display[ ] an initial indication of a starting value, then an indication of at least one intermediate value, the final value comprised of one or more numerals (numerals reshuffled, first "024", then "402", finally "204"; Figs. 4 to 7)." The Office Action also stated that "there is a mathematical modifier . . . (probability weights of final combinations being the modifier . . . ).

As explained during the Interview, Applicants submit that Rose does not disclose an initial indication of a starting value, then an indication of at least one intermediate value and then an indication of a final value. Although Rose displays possible numerical combinations of numerals ("024", "402", "204"), it discloses that revealed numbers, for example 0, 2 and 4, represent respective digits of a three-digit credit amount, 024, that defines a first award. (Col. 4, lines 6-8). Then, the numbers are randomly shuffled/re-ordered. (Col. 4, lines 14-15). The re-ordered numbers 2, 0 and 4 represent respective digits of a new three-digit credit amount 204, that defines a second

award which is awarded to the player. (Col. 4, lines 21-25). The Figures in Rose merely disclose the possible credit amounts the three numbers may represent when re-ordered. (Figs. 3-7). However, there are only two values represented by a three-digit credit amount indicated to a player in Rose. (Col. 4, lines 4-8; 10-11; 21-25). In other words, Rose discloses an initial amount and then a final amount which is awarded to the player. Accordingly, Rose does not disclose an initial indication of a starting value, then an indication of at least one intermediate value and then an indication of a final value. During the interview, the Examiners acknowledged that Rose does not disclose an intermediate value.

Applicants also submit, as explained in the interview, that Rose does not disclose a mathematical modifier in which an award is modified mathematically by a modifier. Rose discloses a probability table that is weighted to favor the higher credit amounts over the lower credit amounts. (Col. 4, lines 35-57). Accordingly, Applicants respectfully submit that Rose does not disclose a mathematical modifier. During the interview, the Examiners acknowledged that Rose does not disclose a mathematical modifier.

#### **Claim Rejections – 35 U.S.C. § 103**

The Office Action rejected Claims 6, 10-29 and 40-47 under 35 U.S.C. §103(a) as being unpatentable over Bennett in view of U.S. Patent Application Publication No. 2003/0027619 A1 to Nicastro, SR. (“Nicastro”). Applicants respectfully disagree with such rejection.

Rejected Claims 6 and 10 depend from amended Claim 1, and Applicants submit that Claims 6 and 10 are patentable over the combination of Bennett and Nicastro for the reasons set forth above with respect to amended Claim 1.

Regarding the rejection of independent Claim 11, such Claim, as set forth in the September 27, 2006 Response, recites “at least one value indicator associated with each of the symbols, each of the value indicators displaying an initial indication of a starting value, then an indication of at least one intermediate value and then an indication of a final value.”

Regarding the rejection of independent Claim 21, such Claim, as set forth in the September 27, 2006 Response, recites “at least one value indicator associated with each of the selected symbols, each of the value indicators displaying a numerical increase including an initial indication of a starting value, then an indication of a plurality of different intermediate values and then an indication of one of the final values.”

Regarding the rejection of independent Claim 40, such Claim, as set forth in the September 27, 2006 Response, recites “at least one value indicator associated with each of the selected symbols, each of the value indicators displaying an initial indication of a starting value, then an indication of at least one intermediate value and then an indication of a final value.”

Applicants submit that the combination of Bennett and Nicastro does not disclose such elements of independent claim 11, 21 or 40 for the reasons provided above with respect to the rejection of Claim 1.

Nonetheless, to advance the prosecution of this application and as discussed in the interview, Applicants have amended Claims 11, 21 and 40 to clarify the Claim language. Amended Claim 11 recites the following: “a plurality of value indicators, each one of the value indicators associated with one of the symbols, each of the value indicators displaying an initial indication of a starting value, then an indication of at least one intermediate value and then an indication of a final value.” Applicants respectfully submit that amended Claim 11 (and Claims 12-20 which depend therefrom) are patentably distinguished over the combination of Bennett and Nicastro.

Amended Claim 21 recites the following: “a plurality of value indicators, each one of the value indicators associated with one of the selected symbols, each of the value indicators displaying a numerical increase including an initial indication of a starting value, then an indication of a plurality of different intermediate values and then an indication of one of the final values.” Applicants respectfully submit that amended Claim 21 (and Claims 22-29 which depend therefrom) are patentably distinguished over the combination of Bennett and Nicastro.

Amended Claim 40 recites the following: “a plurality of value indicators each one of the value indicators associated with one of the symbols, each of the value indicators

displaying an initial indication of a starting value, then an indication of at least one intermediate value and then an indication of a final value.” Applicants respectfully submit that amended Claim 40 (and Claims 41-47 which depend therefrom) are patentable over the combination of Bennett and Nicastro.

The Office Action rejected Claims 30-39 under 35 U.S.C. §103(a) as being unpatentable over Bennett and Nicastro in view of U.S. Patent No. 6,471,588 to Sakamoto (“Sakamoto”). Applicants respectfully disagree with such rejection.

Independent Claim 30, as set forth in the September 27, 2006 Response, recites the following: “indicating a starting value in association with each of the selected symbols,” “indicating at least one intermediate value in association with each of the selected symbols,” and “indicating a final value in association with each of the selected symbols.” Independent Claim 35, as set forth in the September 27, 2006 Response, recites the following: “indicating a starting value in association with the first symbol,” “indicating at least one intermediate value in association with the first symbol,” “indicating a final value in association with the first symbol,” “indicating a starting value in association with the second symbol,” “indicating at least one intermediate value in association with the second symbol” and “indicating a final value in association with the second symbol.”

The Office Action stated that “[Nicastro] has a first selection opportunity enabling a player to select a designated quantity of symbols.” It further stated that “the shares of [Bennett] have an initial value (stock price, Fig. 6), an intermediate value (fluctuating share prices, Para. 53), and a final value (price awarded when share is sold, Para. 54).

Applicants submit that the combination of Bennett and Nicastro in view of Sakamoto does not disclose such elements of independent claims 30 and 35 for the reasons provided above with respect to the rejection of Claim 1.

Nonetheless, to advance the prosecution of this application, Applicants have amended Claims 30 and 35 to clarify the Claim language. Amended Claim 30 recites the following: “associating each one of a plurality of value indicators with one of the selected symbols,” “causing each one of the value indicators to indicate a starting value in association with one of the selected symbols,” “causing each one of the value

indicators to indicate at least one intermediate value in association with one of the selected symbols," and "causing each one of the value indicators to indicate a final value in association with one of the selected symbols." Applicants respectfully submit that amended Claim 30 (and Claims 31-34 which depend therefrom) are patentably distinguished over the combination of Bennett and Nicastro in view of Sakamoto.

Amended Claim 35 recites the following: "associating one of a plurality of value indicators with the first symbol," "causing the value indicator to indicate a starting value in association with the first symbol," "causing the value indicator to indicate at least one intermediate value in association with the first symbol," "causing the value indicator to indicate a final value in association with the first symbol," "associating another one of the value indicators with the second symbol," "causing said value indicator to indicate a starting value in association with the second symbol," "causing the value indicator to indicate at least one intermediate value in association with the second symbol," and "causing the value indicator to indicate a final value in association with the second symbol." Applicants respectfully submit that amended Claim 35 (and Claims 36-39 which depend therefrom) are patentably distinguished over the combination of Bennett and Nicastro in view of Sakamoto.

An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions regarding this Response, the Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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